

105TH CONGRESS
1ST SESSION

H. R. 2161

To direct the Secretary of the Interior to convey the Palmetto Bend Project to the State of Texas.

IN THE HOUSE OF REPRESENTATIVES

JULY 15, 1997

Mr. PAUL introduced the following bill; which was referred to the Committee on Resources

A BILL

To direct the Secretary of the Interior to convey the Palmetto Bend Project to the State of Texas.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. DEFINITIONS.**

4 In this Act:

5 (1) FEDERAL RECLAMATION LAW.—The term
6 “Federal reclamation law” means the Act of June
7 17, 1902, and related Acts (43 U.S.C. 371 et seq.).

8 (2) PROJECT.—The term “Project” means the
9 Palmetto Bend reclamation project, Texas, author-
10 ized by Public Law 90–562 (82 Stat. 999).

1 (3) SECRETARY.—The term “Secretary” means
2 the Secretary of the Interior.

3 (4) STATE.—The term “State” means—

4 (A) the Lavaca-Navidad River Authority, a
5 governmental entity created by the State of
6 Texas; or

7 (B) at the election of the Texas Water De-
8 velopment Board (an agency of the State of
9 Texas), the Lavaca-Navidad River Authority
10 and the Texas Water Development Board, joint-
11 ly.

12 **SEC. 2. CONVEYANCE.**

13 (a) CONVEYANCE.—Not later than 90 days after the
14 date of enactment of this Act, the Secretary, in exchange
15 for the consideration described in subsection (b) and on
16 the conditions stated in section 3, shall convey title to the
17 Project to the State.

18 (b) CONSIDERATION.—

19 (1) AMOUNT.—The consideration for the con-
20 veyance under subsection (a) shall be the present
21 value, determined under paragraph (2), of the pay-
22 ment obligation for the reimbursable costs of the
23 Project, as reflected by the revised Repayment
24 Schedule issued by the Bureau of Reclamation for
25 the Project on August 24, 1994.

1 (2) DETERMINATION.—The present value
2 amount of the payment obligation for the reimburs-
3 able costs of the Project shall be determined as of
4 the date that is 30 days prior to the date of the con-
5 veyance under subsection (a) under the rules of sec-
6 tion 1274(b)(2) of the Internal Revenue Code of
7 1986 using a discount rate equal to the applicable
8 Federal rate determined under section 1274(d) of
9 the Internal Revenue Code of 1986.

10 **SEC. 3. CONDITIONS.**

11 The conveyance under section 2 shall be made on the
12 condition that the State agree, for the purposes of ensur-
13 ing adequate implementation of fish, wildlife, and rec-
14 reational aspects of the Project and precluding any possi-
15 bility of any future liability of the United States arising
16 from the Project, that the State, on and after the date
17 of the conveyance under section 2—

18 (1) will implement Federal nonreimbursable as-
19 pects of the Project;

20 (2) assumes all liability for operation and main-
21 tenance of the Project;

22 (3) assumes sole responsibility and liability for
23 the Project; and

1 (4) will hold the United States harmless and in-
2 demnify the United States against any and all
3 claims arising from the Project.

4 **SEC. 4. GENERAL PROVISIONS.**

5 Effective as of the date of the conveyance under sec-
6 tion 2—

7 (1) the State is relieved of any obligation aris-
8 ing after that date to comply with Federal reclama-
9 tion law with respect to the Project;

10 (2) the Project beneficiaries shall not be eligible
11 to receive reclamation benefits available under Fed-
12 eral reclamation law; and

13 (3) the Project is no longer authorized.

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